

DECLARATION OF PAUL SIGNORELLI



The inventors continue to prosecute this application pro se.

References below to the "Examiner's Interview Summary" refer to Examiner's Donald Champagne's summary of the telephonic interview of December 7, 2004 between the Examiner and inventor Paul Signorelli. A copy of Examiner's Champagne's interview summary (Paper No. 20041218) is attached. According to public PAIR, Examiner's Champagne's interview summary was mailed to applicants on December 7, 2004. [See, attached copy of the Public PAIR Image File Wrapper record for this application]

The Office Action mailed 15 June 2004 never reached applicants because it was not mailed to the proper address for applicants. [See, Examiner's Interview Summary]. The Examiner diligently tracked down the inventors and informed them of the Office Action in an interview with Paul Signorelli [See, Examiner's Interview Summary], which was greatly appreciated. Then during the December 7 interview, Inventor Signorelli provided the Examiner with the proper address for correspondence with applicants. [See, Examiner's Interview Summary]

The Examiner advised Inventor Signorelli that the Office Action would be re-mailed to applicants at the proper address. [See, Examiner's Interview Summary and also the Notice of Abandonment mailed February 23, 2005, paper no. 20050219]. The Examiner did promptly mail copies of the outstanding Office Action and the Examiner's Interview Summary to applicants at this address, which applicants greatly appreciated.

During the interview, the Examiner also informed Inventor Signorelli that the time for responding to the outstanding Office Action would be reset to December 18, 2004, rather than its original date of June 15, 2004. [See, Examiner's Interview Summary and also the Notice of Abandonment mailed February 23, 2005]. The Examiner informed Inventor Signorelli that consequently a response could be filed within three months without payment (i.e. by March 18, 2005) or within up to six months with payment for an extension (up to June 18, 2005).

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Consequently, applicants prepared to respond within the stated three-month (i.e. respond by March 18, 2005). On March 17, 2005, applicants checked public PAIR and discovered that a Notice of Abandonment had apparently been mailed on February 23, 2005. . [See, attached copy of the Public PAIR Image File Wrapper record for this application]. Applicants have not received any copy of this Notice of Abandonment via mail. The application was deemed abandoned for failure to replay to the Office Action mailed on June 15, 2004. [See, the Notice of Abandonment mailed February 23, 2005, paper no. 20050219] In other words, the application was deemed abandoned because no response was received by December 15, 2004.

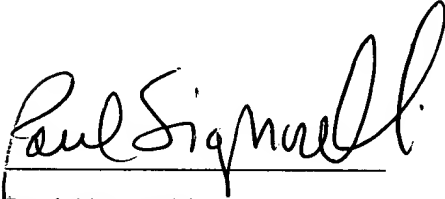
In this Notice of Abandonment Examiner Donald Champagne states that after his last contact with the applicants (the December 7 interview) he was told that he could not re-mail the Office Action, as he had originally represented to Inventor Signorelli. [See, the Notice of Abandonment mailed February 23, 2005, paper no. 20050219]. This drastic change was not communicated in any way to applicants, and the records do not show that this change was communicated at any time. Had applicants not been specifically informed during the December 7, 2004 interview that they could respond by March 18, 2005, the applicants would have promptly responded by December 15, 2004. Applicants relied on the statements made during the December 7, 2004.

Because the Notice of Abandonment was mailed more than two months after the interview between Examiner Champagne and inventor Signorelli, we presume that the Examiner was told make this change (i.e. change from remailing to an abandonment) sometime around two months after the interview (i.e. in February 2005). In other words, this drastic change was made well after the time period in which applicants could timely respond.

Since applicants were specifically told they could respond in March (and actually prepared to respond by March 18, 2005), and since the Applicants were never informed of the change to an abandonment until checking public PAIR on March 17, 2005, the abandonment was unavoidable.

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The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

A handwritten signature in cursive script, reading "Paul Signorelli", written over a horizontal line.

Paul Signorelli

5/7/05
Date